

REMARKS

Applicant thanks the Examiner for the careful review of this application. The Abstract and claims 1-2, 12-13 and 29 were amended. No new matter was added. Claims 5 and 7 were previously canceled without prejudice. Claims 1-4, 6 and 8-38 are currently pending in this application.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 12-13 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Von Kohorn (U.S. Patent No. 5,697,844) in view of Storey (U.S. Patent No. 5,774,870). Claims 1-4, 6, 8-11, 14-35 and 37 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Von Kohorn in view of Storey and further in view of Atkins (U.S. Patent No. 5,644,727). Claims 36 and 38 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Von Kohorn in view of Storey and further in view of Hunt (U.S. Patent No. 6,223,215).

The U.S. Patent and Trademark Office has issued guidelines for determining obviousness under 35 U.S.C. § 103 in view of the Supreme Court's decision in KSR International Co. v. Teleflex inc. (refer to Federal Register / Vol. 72, No. 195 at 57526). Consistent with past practice, however, the guidelines still require Examiners, when basing rejections on the combination of prior art, to articulate either 1) "a finding that the prior art included each element claimed," (refer to Federal Register / Vol. 72, No. 195 at 57529); or 2) "a finding that there was some teaching, suggestion, or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings." (Refer to Federal Register / Vol. 72, No. 195 at 57534.)

The claimed invention includes methods for providing a game redemption system. One aspect of the methods, as reflected in the preceding claims as amended, is that a game may be selected and played from a plurality of differing games. Applicant's specification does not explicitly state that the 'plurality of games' comprises 'differing games.' However, it is readily apparent to the skilled artisan that 'plurality of games' includes the embodiment of a 'plurality of differing games.' Support for this embodiment is implied, though, via Applicant's Fig. 3:

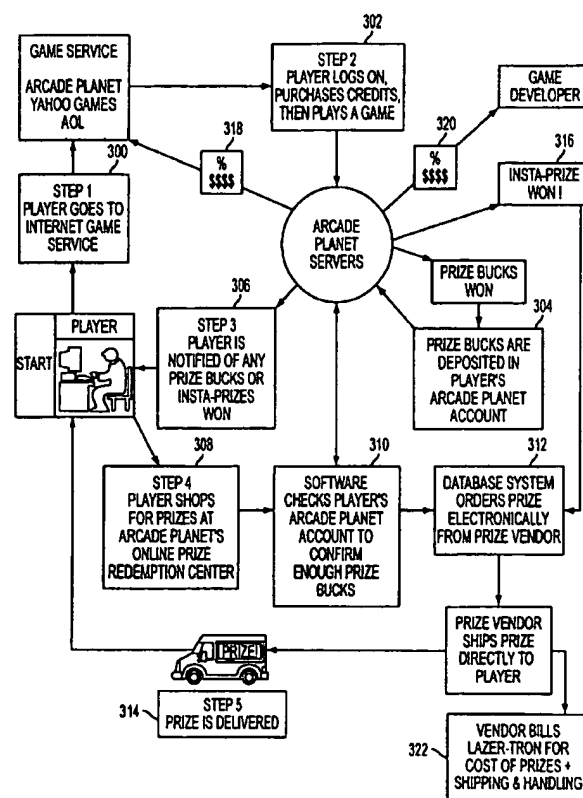


FIG. 3
-Applicant's Fig. 3

Referring to the 'GAME SERVICE' box, above box 300, several example game services are listed thus indicating that a plurality of differing games are available to the user to choose from.

The Office Action is primarily relying upon Von Kohorn in the 35 U.S.C. § 103(a) rejections of the claims and Von Kohorn simply does not disclose providing a user with a choice of differing games to select from.

Instead, and in marked contrast to the claimed embodiments, Von Kohorn apparently discloses a system that allows television users to interact with a game, perhaps related to a television program. More notably, users of Von Kohorn's system are not allowed selection of games. Instead, users may play a game that is provided to them with no option provided to the users to select a different game. Additionally, the Office Action states that Von Kohorn provides a plurality of games by providing a game on multiple occasions (See Office Action, page 3). Due to this, Von Kohorn does not disclose providing a plurality of differing games.

Applicant does not concede the propriety of the rejections. In particular, Applicant does not concede the propriety of the rejection of the claims over Von Kohorn, alone, or in combination with Atkins, Storey and/or Hunt. Similarly, Applicant does not concede that the combination of Von Kohorn with one or more of Atkins, Storey and/or Hunt is proper. However, in light of the missing claimed element described above, Applicant submits that the rejections of the Office Action are rendered moot.

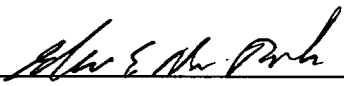
In view of the foregoing, Applicant respectfully requests withdrawal of the rejections of the claims and a notice of allowance.

CONCLUSION

Applicant believes that all pending claims are allowable and a Notice of Allowance is respectfully requested. Should the Examiner determine that a telephone conference would assist with this application, the Examiner is invited to contact the undersigned at 650.293.3352. Authorization is hereby granted to debit Deposit Account No. 50-3539 for any fees due, as a result of the submissions with this paper, as a result of lack of funds for any accompanying check, or for any other reason related to previous prosecution of this application.

Respectfully submitted,

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